PUMP COURT

CHAMBERS

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TIMOTHY AKERS

"A methodical junior and a good trial advocate. He is measured and always in control."

Legal 500 2023

Call: 2005

For enquiries please call +44 (0)1962 868 161 or email

Timothy Akers is a specialist criminal and regulatory lawyer. He is regularly instructed in serious, sensitive and complex cases involving sexual offences, offences of dishonesty, drugs and violence, and financial crime.

As a former Solicitor and Solicitor-Advocate, Tim has a wealth of experience in representing lay clients (whether at court, at the police station, in prison, or at military bases) and has been praised by instructing solicitors for the exceptional level of client care that he provides.

As a former in-house advocate for the Crown Prosecution Service, Tim has a solid background in prosecution work – he is a Grade 3 prosecutor for the CPS who is regularly instructed on behalf of the Specialist Fraud Division, and has been asked on numerous occasions to act as Legal Professional Privilege Counsel for the Serious Fraud Office. Tim is a robust opponent when appearing on behalf of prosecuting agencies and acts fearlessly to protect the rights of victims and witnesses.

Tim combines an approachable, down-to-earth style with sound advice and persuasive advocacy. He is fully committed to each case that he is given, and is adept at handling young and vulnerable defendants and witnesses.

Tim is ranked as a Leading Junior for crime in Legal 500 2024.

Criminal

Tim represents clients charged with offences that range across the whole spectrum of criminal law including rape and child sexual offences, aggravated burglary, robbery, serious violence, firearms, witness intimidation, perverting the course of justice, large-scale drugs, fraud and associated confiscation proceedings.

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Tim is ranked as a Leading Junior for crime in Legal 500 2024.

Selected Cases

R v Hill

Successful prosecution of a Defendant charged with witness intimidation committed within a courthouse.

R v Howell

Secured the only acquittal for aggravated burglary in a multi-handed trial at Nottingham Crown Court.

R v Cooper

Successful prosecution at Winchester Crown Court.

R v Khan

Successful prosecution of a Defendant who caused in excess of £225,000 damage to a school.

R v Griffin

Secured the acquittal of a 31-year-old male for inflicting grievous bodily harm at the Central Criminal Court (Old Bailey).

R v S

Successful prosecution of a 17-year old female who had been indicted for wounding with intent to cause grievous bodily harm (stabbing a male with a broken bottle).

R v B

Obtained a ruling that the Defendant was unfit to stand trial in a contested fitness to plead.

R v S

Represented a prominent businessman in confiscation proceedings where the alleged benefit figure was in excess of £1.3m.

R v P & A

Successful prosecution in a 2-handed case of conspiracy to steal case involving the theft of vehicles from a garage

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forecourt.

R v Beale

Acted for the ex-regional manager for the Netherlands of an international company, who had been charged with conspiracy to commit fraud by abuse of position.

Regulatory & Disciplinary

Tim sits as the appointed Clerk to the Disciplinary Tribunal of the Chartered Institute of Legal Executives (CILEx), providing legal advice in cases involving allegations of professional misconduct against members of CILEx.

Tim prosecutes businesses and individuals for breaches of the Data Protection Act and The Privacy and Electronic Communications Regulations for the Information Commissioner's Office.

Tim has a detailed knowledge of anti-money laundering (AML) regulation, having been previously employed at a leading business crime law firm. Tim has drafted papers and presentations for international conferences on white-collar crime topics that encompass AML, asset tracing and recovery, mutual legal assistance, corruption (including the Bribery Act 2010) and fraud.

Tim has a sound knowledge of health and safety procedure and has assisted in advising on a prosecution brought by the Office of Rail Regulation under the Health and Safety at Work Act.

Tim is fully conversant with the Parole Board Rules and has represented numerous prisoners before the Parole Board.

Tim is experienced in defending private individuals and businesses in proceedings brought under the Fire Safety Order in both the Crown Court and Magistrates' Court.

He is trained to present cases on behalf of the Nursing and Midwifery Council.

Courts Martial

Tim is an experienced military law practitioner who regularly represents members of the Armed Forces in the UK and abroad.

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Selected Cases

R v Anderson

Represented a Sergeant accused of committing multiple physical assaults upon his partner over a number of years in the UK and BFG.

R v Hughes

Acted for a Fusilier in a 4-handed Court Martial where the Prosecution alleged multiple assaults had been committed in a context of institutional bullying and "scumming".

R v Tamling

Secured the double acquittal of a Lance Corporal who had been accused of theft from employer and failing to perform a duty at the Military Court Centre in Sennelager, Germany.

Transport Law

Tim regularly represents Licence Operators at Public Inquiries before the Traffic Commissioners.

Tim is highly regarded for his level of technical expertise in motoring law, and is often instructed to defend in complex road traffic cases on behalf of private clients and insurers. He regularly represents high net worth individuals in road traffic matters and has acted on behalf of premier league footballers, managers of well-known sporting personalities and Managing Directors of global equity firms.

Tim is fully conversant with cases involving:

- Speeding allegations and allegations of failing to identify the driver;
- The use of mobile devices while driving;
- Drink and drug driving (including expert "back calculation" evidence), and failing to provide specimens and samples;
- Dangerous and careless driving;
- Sensitive allegations of causing death by dangerous driving (including expert evidence on collision investigation, where the issue of mechanical defect arises, and where there are multiple defendants);
- Administration of justice offences when linked to driving matters (including perverting the course of justice, and the lesser offences of wasting police time and obstruction);
- Special reasons and exceptional hardship arguments where motorists are at risk of disqualification.

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Tim has assisted in advising the Office of Rail Regulation in a s.3 Health and Safety at Work Act prosecution. The remit included advising on the charges (including whether any additional charges pursuant to the Management of Health and Safety at Work Regulations 1999 and the Construction (Design and Management Regulations) 2007 should be brought), the prospects of conviction and further evidence required.

Selected Cases

A1 Budget Skips (OTC Public Inquiry)

Represented Operator and Transport Manager. The Traffic Commissioner was persuaded against revoking or suspending the Operator's licence, instead imposing a curtailment. The curtailment did not materially affect transport operations and allowed a margin of one vehicle in excess of operational requirements.

G & R Removals (OTC Public Inquiry)

Acted on behalf of Operator and Transport Manager. The Traffic Commissioner took minimal regulatory action, revoking a licence that was no longer being used by the Operator and granting a further licence in full that had been applied for. The Transport Manager's repute was left unblemished.

R v F

Represented a millionaire entrepreneur/manager of a well-known snooker player in proceedings for alleged offences under s.172 Road Traffic Act 1988 (failing to identify the driver).

R v J

Successful submission of no case to answer in proceedings for perverting the course of justice, obstructing a police constable and failing to provide a preliminary sample of breath.

R v T

Represented the Managing Director of a group of chartered financial planners for allegations of speeding in a case that required cross-examination on highly technical evidence in relation to the HADECS (Highways Agency Digital Enforcement Camera System) series speed camera.

R v K

Represented the Senior Managing Director of a global private equity firm for an allegation of speeding that involved cross-examining the reporting officer on his knowledge of the ACPO Guide for the operational use of speed and red-light offence detection technology.

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R v D

Represented premier league footballer for allegations of speeding.

Professional Discipline

Tim sits as the appointed Clerk to the Disciplinary Tribunal of the Chartered Institute of Legal Executives (CILEx), providing legal advice in cases involving allegations of professional misconduct against members of CILEx.

He is trained to present cases on behalf of the Nursing and Midwifery Council and British Association of Counsellors and Psychotherapists.

Healthcare

Tim is experienced in professional discipline law and often represents health professionals and people in the caring professions in professional disciplinary proceedings. Tim is also a Trainee Psychotherapist and has a special interest in representing mental health professionals (including counsellors, psychotherapists and psychologists). Tim has undertaken placements at the specialist psychiatric hospital, Broadmoor (one of only three high secure psychiatric hospitals in England and Wales), and at the Three Bridges medium secure unit of St Bernard's Hospital. In addition to his representative work defending healthcare professionals accused of misconduct, Tim sits as a Legal Adviser to the General Optical Council.

Selected Cases

UKCP Adjudication Panel finds no breaches of UKCP's Ethical Principles and Code of Professional Conduct against experienced psychotherapist

Tim represented a highly qualified psychotherapist in a 4-day case before a UKCP Adjudication Panel in a Complaint Hearing, per the UKCP's Complaints and Conduct Process.

The Registrant faced 6 Allegations with 21 sub-Allegations. The UKCP's case was, inter alia, that:

i. the Registrant wrote two reports which they knew or ought to have known that a former client would have used against another former client in court proceedings;

ii. that the reports contained inaccurate information;

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iii. that the Registrant failed to obtain legal or ethical advice prior to writing the reports;

iv. that the Registrant's conduct was inappropriate, and/or unprofessional, and/or breached client confidentiality.

Further multiple breaches of the UKCP Code of Ethics and Professional Practice 2019 were also alleged.

During the hearing, relying upon the principles enunciated by the Viscount Simon LC in Spackman v GMC and Mr Justice Ouseley in Squier v GMC, Tim successfully adduced a judgment of a High Court Judge in Family Court proceedings which was very critical of the Complainant in the case that was currently before the Adjudication Panel. Tim submitted that the Panel could use the judgment for three purposes: firstly, to assist with a general chronology of events; secondly, as evidence that undermined the credibility of the Complainant, and thirdly, as evidence that supported the credibility of the Registrant (so long as the Panel did not simply adopt of the findings of the Family Court as a substitute for reaching its own decision on the evidence before it).

After making detailed closing submissions, the Adjudication Panel found that there had been no breaches of the UKCP's Ethical Principles and Code of Professional Conduct, and that no misconduct had been committed.

Securing the continued practice of a prominent dentist before the General Dental Council Interim Orders Committee (IOC)

Tim represented a well-known dentist before the General Dental Council Interim Orders Committee. The Respondent was already subject to an interim order of conditions and the GDC requested that the IOC convene a further hearing in order to consider the Council's application for a new interim order.

On 7 November 2022, the GDC received a complaint from an informant that they were halfway through root canal treatment with the Respondent when he obtained the informant's telephone number from her dental records and sent her inappropriate text messages.

In light of the new allegations, the Case Presenter on behalf of the GDC submitted that the continuation of interim conditions on the Respondent's registration was not sufficient to protect the public and that such a course would undermine the wider public interest. He stated that interim conditions were no longer workable, as they would require close scrutiny of the Respondent's actions at all times. The Case Presenter therefore invited the Committee to consider imposing an interim order of suspension for a period of 15 months in response to the new allegations, and for the Respondent's existing interim order to be changed to mirror that interim suspension.

On behalf of the Respondent, Tim submitted that the new allegations contained did not pertain to deficient professional performance and highlighted that the existing interim conditions on the Respondent's registration had been ongoing since March 2020, some three years ago. Tim further submitted that the Respondent had continued to comply with his interim conditions, and there has been no suggestion by the GDC of any breach.

Tim contended that any identified risk arising from the Informant's complaint could be addressed by way of the

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imposition of further conditions on the Respondent's registration, and he referred the Committee to a number of proposed conditions set out in his written submissions. Tim invited the Committee to note the significant impact that an interim suspension would have upon the Respondent, both reputationally and financially, in addition to the detrimental impact upon patients at the practice where the Respondent worked.

After hearing Tim's submissions, the IOC concluded that the risk of repetition of the alleged misconduct by the Respondent was low and that the risk in the case was predominantly to the wider public interest. Accordingly, the Committee determined that an interim order of suspension was not necessary, being satisfied that it could, instead, formulate a set of interim conditions which would maintain public confidence in the dental profession.

Obtaining the dismissal of a complaint against an experienced therapist

Tim represented a highly regarded Accredited Registered Member of the BACP, who had worked in their specific field of therapy for approximately twenty years, before the Professional Conduct Panel of the BACP in the Disciplinary Proceedings Track.

The Member faced a number of allegations of professional misconduct, including that they provided counselling to the Complainant when they had a "clear conflict of interest", and that they failed to maintain confidentiality by disclosing the Complainant's confidential information without their permission, and provided false and damaging information about the Complainant in a professional letter.

The proceedings against the Member were of some age, given that the original complaint was made in 2021. When the time of the final professional misconduct hearing came around, the Complainant did not attend to give evidence. This was on the basis of the legal advice of her solicitor in court proceedings that were taking place in parallel to the proceedings before the Professional Conduct Panel. Further, the Complainant's solicitor had indicated that, due to the ongoing court proceedings, the Complainant would not be available to attend the hearing until later in the year.

At the hearing, on behalf of the Association, the Case Presenter applied for the Professional Conduct Panel to stay the proceedings against the Member as necessary in the interests of justice under Rule 9.3 of the BACP Professional Conduct Procedure. The Association's rationale in applying for a stay was that there was a prima facie case against the Member, that the Complainant remained supportive of the proceedings but was unable to participate at this point in time, and that a stay would only be lifted in and proceedings recommenced in exceptional circumstances.

Tim opposed the Case Presenter's submissions and invited the Panel to dismiss the case against the Member, pursuant to Rule 4.6.c.iv of the Professional Conduct Procedure. In his submissions, Tim argued that the case had been hanging over the head of the Member long enough and was affecting his mental health. Tim submitted that the Member deserved the reassurance of finality and that the case needed to conclude in a fair and timely manner. Accordingly, when the Panel balanced the interests of the BACP against the interests of the Member, Tim submitted that the interests of justice militated towards the Member and towards dismissing the case in its entirety.

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After retiring to consider the representations and returning the Panel refused the Association's application for a stay and directed that the entire case against the Member be dismissed.

Securing no further action against an accredited BACP therapist and supervisor

Tim represented an experienced therapist, who had worked in the NHS for over 20 years, in a Disciplinary Proceedings Hearing before the Professional Conduct Panel of the BACP.

The allegations the Member faced were serious and included that they had dishonestly recorded on an Employee Assistance Programme (EAP) portal that the Complainant had completed a GAD7 questionnaire and a PHQ9 questionnaire when they had not. The allegations also asserted that the Member had dishonestly sent the Complainant an incomplete record of the number of therapy sessions they had undertaken, intending to mislead them as to this. Had dishonesty been found proven, the Member would have been at risk of having their membership of the BACP withdrawn.

After the contested hearing came to an end, Tim persuaded the Panel that, when the evidence was carefully considered, the record on the EAP's portal did not, in fact, show that the Complainant had completed either a GAD7 or a PHQ9 questionnaire and that, accordingly, when the relevant legal test in Ivey v Genting Casinos was applied, the Member's actions could not be viewed as dishonest by the standards of ordinary decent people.

Similarly, in relation to the allegation that the Member had dishonestly sent the Complainant an incomplete record of the number of therapy sessions they had undertaken, Tim successfully argued that the Member was genuinely unaware that the record sent to the Complainant was incomplete. Thus, the Panel found that the Member could not have failed to be open in their communications with the Complainant, nor could their actions be deemed dishonest.

The Panel concluded that the Member's conduct did not amount to Professional Misconduct as defined in the BACP Professional Conduct Procedure 2018, and a much lesser finding of a failure to keep accurate records, contrary to paragraph 15 of the Ethical Framework for the Counselling Professions 2018, was made.

After the Panel's decision and findings on the allegations was made, the case was adjourned to a later date to consider the issue of sanction. Prior to the Panel reconvening, Tim drafted cogent written submissions that were served upon the BACP by his Instructing Solicitor. Having considered the submissions, the Panel found that the Member had acted with integrity, that their actions were well-intentioned, and that they had since demonstrated significant and substantial reflection and undertaken further training. As a result, it was determined that there was no requirement to impose a sanction to protect the public, maintain professional standards or protect the reputation of the BACP and/or counselling professions, and No Further Action was imposed.

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Sports Law

Tim Akers grew up amidst the green pastures of the Oxfordshire countryside and developed an affinity for sport from an early age: playing school football in practically every spare minute he had until the season ended, then making the transition to tennis in the height of summer, before returning to the beautiful game when the season recommenced later in the year.

With his enthusiasm and drive to live an active sporting life, it seemed like a natural extension of his legal career to represent individuals involved in the sports world, hence Tim has acted for a number of sporting personalities in a private client capacity.

Tim has a wealth of experience in professional discipline law, sits as the legal adviser to the Disciplinary Tribunal of the Chartered Institute of Legal Executives and has represented many clients in front of various professional conduct committees and panels. He has also drafted papers and presentations on fraud, bribery and corruption that have been delivered at an international level.

Having become convinced over the years that sport is, in fact, a state of mind, Tim keeps active, playing 5-a-side football for his Chambers team and training in jiu-jitsu with his young daughter. Whether he will make a return to his former sporting glory however is highly questionable.

Tim is happy to receive instructions in matters of alleged sporting misconduct, allegations of business crime involving sports organisations, associations and clubs, and associated private client work.

Qualifications

- BVC, Inns of Court School of Law, London
- LLB (Hons), University of Liverpool

Professional associations

- Association of Regulatory & Disciplinary Lawyers
- Association of Road Transport Lawyers
- Criminal Bar Association
- Western Circuit

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Professional activities

- Tim has been instructed to advise The Law Society on a number of occasions, iincluding advising on the merits of judicial review proceedings.
- Tim regularly delivers presentations on various aspects of regulatory and professional disciplinary law, data protection, and financial crime. Tim's latest seminar focused upon reforming data protection and the GDPR.
- Tim has a special interest in the youth justice system and has led referral order panels for the London Borough of Tower Hamlets.
- Awarded the Outstanding Achievement in Tackling Youth Crime by the Local Criminal Justice Board of Northamptonshire, in recognition of his work as part of the LCJB Schools Team.

Outside Interests

- Tim enjoys travel, singing, and the performing arts
- Tim has acted (badly) in two productions at the Tricycle Theatre in London
- Tim works on a voluntary basis as a Peer Supporter for LawCare
- Tim is a Chambers Wellbeing Representative
- He is a black belt in Tae Kwon-Do

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